



STATE OF MICHIGAN  
TERRI LYNN LAND, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

April 30, 2003

**Help America Vote Act of 2002  
(H.R. 3295/P.L. #107-252)**

**Identification, Registration and Public Posting Requirements**

This report outlines the impact of the Help America Vote Act of 2002 (HAVA) on the identification of voters who register to vote by mail; the contents of Michigan's Mail-In Voter Registration Application Form; the public posting requirements on election day; and the registration and voting rights of absent uniformed services voters and overseas voters.

**Identification of Voters Who Register to Vote by Mail**

- Stipulates that an individual who 1.) submits a mail-in voter registration form and 2.) has never participated in a federal election conducted in the state must provide an identification document with the mail-in voter registration form. Provides that if the applicant does not submit an acceptable identification document with the mail-in voter registration form, he or she must produce identification the first time he or she attends the polls to participate in a federal election. Further provides that if such a voter wishes to cast an absentee ballot, he or she must submit an acceptable identification document when returning the absentee ballot. Acceptable forms of identification, as defined under HAVA, include "current and valid photo identification" or a "current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter." (Sec. 303(b))
- Provides that if a voter subject to the above identification requirements does not produce or submit an acceptable identification document, he or she may cast a "provisional" ballot in the polls or a "provisional" absentee ballot as desired. (Sec. 303(b))
- Provides that the above voter identification requirements are waived if 1.) the voter registration applicant enters his or her driver license number or the last four digits of his or her Social Security Number on the mail-in voter registration form and 2.) the state or local election official has a program in place which permits the identification of the voter through

the comparison of the entered number against another “State identification record” which bears the same number and the voter registration applicant’s name and date of birth. (Sec. 303(b))

- Provides that the above voter identification requirements are waived if the voter is eligible to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (i.e., absent uniformed services voters and overseas voters).

### **Contents of Michigan’s Mail-In Voter Registration Application Form**

- Directs the Secretary of State to include the following two questions on the mail-in voter registration application form with “yes” and “no” checkoff boxes: 1.) “Are you a citizen of the United States of America?” and 2.) “Will you be 18 years of age on or before Election Day?” Further directs the Secretary of State to include the following statement on the form: “If you checked ‘no’ in response to either of these questions, do not complete this form.” (Sec. 303(4))
- Stipulates that if a voter registration applicant fails to answer the citizenship question on the mail-in voter registration application form, the registrar must notify the applicant and provide him or her with an opportunity to complete the form no later than the voter registration deadline for the next federal election. (Sec. 303(4))
- Directs the Secretary of State to include a statement on the mail-in voter registration form which informs the applicant that if the form is submitted by mail and the applicant is registering for the first time, an acceptable identification document must accompany the registration form if the applicant wishes to avoid the need to produce identification the first time he or she attends the polls to participate in a federal election.

### **Public Posting Requirements on Election Day**

Stipulates that the information listed below must be posted in the polls whenever a federal election is conducted. (Sec. 302(b))

- A sample ballot
- The date of the election and the hours the polls will remain open.
- Voting instructions.
- Instructions on voting a “provisional ballot.”

- The identification requirements which apply to voter who register to vote by mail.
- General information on voting rights including information on the right of an individual to cast a “provisional ballot” and instructions on how to contact the appropriate officials regarding alleged voting rights violations.
- General information on the laws which prohibit fraud and misrepresentation.

<p><b>Registration and Voting Rights of Absent Uniformed Services Voters and Overseas Voters</b></p>
--

- Directs the Secretary of Defense and Secretary of each military Department to promote and facilitate voting by absent uniformed services voters and their dependents through the implementation of a variety of informational programs and initiatives. (Sec. 701)
- Requires each state to designate a single office responsible for disseminating information on the procedures for registering and voting to absent uniformed services voters and overseas voters. Further recommends that the designated office be responsible for the acceptance of all voter registration applications, absentee ballot applications and absentee ballots (including Federal write-in absentee ballots) submitted by absent uniformed services voters and overseas voters. (Sec. 702)
- Requires each state to submit a report to the Election Assistance Commission no later than 90 days after each Federal election which provides the “combined number” of absent voter ballots issued to absent uniformed services voters and overseas voters and the “combined number” of absent voter ballots “returned by such voters and cast in the election.” Further requires the Election Assistance commission to develop a reporting form for the submission of the required data. (Sec. 703)
- Stipulates that a Federal Post Card Application (FPCA) used to request absent voter ballots must be honored “through the next 2 regularly scheduled general elections for Federal office....” (Sec. 704)
- Requires the Federal Voting Assistance Program office to prescribe a “standard oath” for use with any document submitted by voters under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) which affirms that a “material misstatement of fact in the completion of such a document may constitute grounds for conviction for perjury.” Further stipulates that a state that requires an oath or affirmation to accompany any document submitted by voters under UOCAVA must use the prescribed “standard oath.” (Sec. 705)
- Prohibits the imposition of any restriction on the early submission of absent voter ballot requests for federal elections by absent uniformed services voters. (Sec. 706)

- Requires states to provide return notification in any instance where a voter registration application or absent voter ballot application submitted by an absent uniformed services voters or an overseas voter is rejected. (Sec. 707)